



ROBERT M. DAY, Ph.D,
Executive Director

K A N S A S

KATHLEEN SEBELIUS, GOVERNOR

KANSAS HEALTH POLICY AUTHORITY

Approved: June 8, 2006

Minutes – KHPAB Meeting of May 16, 2006

Board Members Absent:

Commissioner Sandy Praeger
KDHE Secretary Rod Bremby

All Remaining Board Members Present

Board Staff Present:

- Dr. Robert Day, Executive Director
- Dr. Andy Allison, Deputy Director

Legal Counsel Present:

- H. Philip Elwood

Guests Present:

- Dr. Ray Davis, Lawrence KS
- Dr. Barb Langner, KUMC, Kansas City KS

Call to Order – Welcome – Introductions

- Chair Marcia Nielsen called the meeting to order, welcomed the board members and guests, and reviewed the agenda (handout).
- Chair Nielsen reported that Dr. Ray Davis' appointment to the Board is still unconfirmed but it was anticipated the confirmation would be completed by mid-June.

Updates from Dr. Robert Day, Executive Director

- Budget and Legislative Update. A copy of the FY2006 Authority approved budget (handout) was distributed and reviewed.
- **ACTION:** Dr. Nielsen requested that an updated budget which include the Medicaid and the State Employees Benefits expenses be prepared and reviewed at the June 20th Authority meeting.
- The members briefly reviewed Omnibus Budget Conf Committee Summary (handout) which described actions taken by the Omnibus Committee on a number of agency initiatives and provisos for the agency. Dr. Day briefly summarized specific actions taken on: Business Health Partnership, Enhanced Care Management, Inspector General position, Healthy Kansas First Five, Personal Needs Allowance, Presumptive Medicaid Disability Determination/MediKan. Additionally, the legislature requested a number of special studies (by way of provisos) for the Division/Authority to complete. Several Board members expressed concern on the commitment of staff and resources to complete these studies.

- **ACTION:** Vice-Chair Connie Hubbell requested that a grid be prepared for the legislators, which would outline a description of the study, expectations of this study, timeline, the name of staff assigned to the study, and number of staff hours taken to complete the study. This document could be used to evaluate and prioritize these special studies.
- **ACTION:** Dr. Nielsen stated she would be meeting with Authority Counsel Elwood to discuss the appropriate process for the Board members to contact legislators to provide input on specific legislation.
- **Cost Estimate – Director/Officer Liability Insurance.** Dr. Day reported on discussions he has had with representatives from several liability insurance agencies. Board members are covered by the tort claims act; state would pay for attorney fees; covered up to \$500,000 per action; recommendation is to purchase coverage for \$3 million liability for each Board member. Dr. Day added that additional information will be sent by the insurance company and that will be shared with the Board upon receipt.
- **ACTION:** Dr. Day will review the additional information and will contact Counsel Elwood to proceed with obtaining the recommended amount of insurance coverage for Board members.
- **Criteria for decision-making: Authority vs. Executive Director.** Dr. Day discussed with the group the decision-making process between the Board members and the Executive Director. He recommended that the Board structure should be similar to a corporate-level board, in which the members should: 1) develop broad strategies for the organization; 2) maintain regular oversight of the agency budget; 3) respond to media contacts with consistent statement. The role of the Executive Director would be to act on behalf of the Board and make decisions on day-to-day operation of agency. Counsellor Elwood suggested that the Board members clarify the expectations of the Board and that additional time is used for this discussion at the June and July Board meetings. Dr. Nielsen added that the work of the Board should be complementary to the Executive Director and staff and that the Board should be a policy-making Board.
- **ACTION:** Further discussion on this will take place at the June 20th Board meeting.

Updates from Dr. Andy Allison, Deputy Director

- Dr. Allison reported on status of the baseline analysis on health care. KHI staff have developed a set of measures that includes demographics, behaviors, prevention, mortality, birth outcomes, health access, and a number of additional measures. A brief discussion was held on how to prioritize this list.
- **ACTION:** Dr. Nielsen stated that the Board members should prioritize the indicators and measures and that she and Dr. Allison will meet to discuss next steps before the June 20th meeting.
- **ACTION:** Arneatha Martin added that there was an assessment tool used in the Wichita area, the CHAPS Survey (Community Health Assessment Project Survey), which contained a number of similar indicators. She agreed to obtain a copy of that survey for the Board members for their review.
- Dr. Allison briefly reported on his recent meeting with Health Care Authority officials in Oklahoma City OK. He remarked that the Oklahoma Authority had a number of similar issues in its start-up phase 11 years ago. He felt that the meeting with the Oklahoma Authority and staff was very helpful and plans to have future follow-up conversations with Oklahoma staff.
- Dr. Allison reviewed the Timeline document (see handout) which outlines the timeframes and tasks to be done for the Summer/Fall townhall meetings held in Wichita and Kansas City. There were several questions related to attendance, expectations, and format.
- **ACTION:** Dr. Allison will prepare format of meeting and agenda and will bring back to the June Board meeting.

Update by Dr. Howard Rodenberg, KDHE

- Dr. Rodenberg briefly summarized the data collection and analytic activities at KS Dept of Health and Environment; he distributed a copy of the KDHE monthly “Kansas Health Statistics Report” which can be used as a resource of additional health-related data; and he advised that KDHE has a website which includes links to additional community health data: <http://kic.kdhe.state.ks.us/kic/>
- **ACTION:** A request was made for Dr. Rodenberg to add the Board members to the distribution list for this newsletter.

Report by Phil Elwood, Legal Counsel

- Mr. Elwood reviewed the revised draft Authority By-Laws (see handout) with the group. This draft included the changes and clarifications requested at the April Board meeting.
- **ACTION:** Motion was made, seconded, and passed to approve the adoption of changes to the By-Laws and that the By-Laws will be subject to review at a later date. Mr. Elwood added that an indemnification clause can be added at a later date to the By-Laws if needed, to address concerns the Board may have with the Director/Officer Liability issue.
- **ACTION:** Mr. Elwood will provide the members with final copy of the By-Laws.
- Mr. Elwood reviewed the draft Conflict of Interest Policy with the members, which deals with the internal operations of the Authority. This document provided definitions applicable to the Board; provided a requirement for each Board member to submit a Disclosure Statement annually; and a description of procedures during a Board meeting to be taken by a member to avoid conflict of interest. There were a number of questions related to definition of specific terms used in this draft which will require additional clarification. Also, since members had been required to complete a Governmental Ethics disclosure form upon appointment to the Authority, a request was made to include a sentence on the Authority disclosure form to this effect.
- **ACTION:** Mr. Elwood will revise this draft Conflict of Interest and will bring back to the June Board meeting.

Medicaid Reform Summary

- A presentation on Medicaid Reform actions was provided by Dr. Barb Langner and Dr. Andrew Allison, as well as Becky Ross and Sharon Johnson, DHPF Program Administrators.
- The 1115 waiver process was explained, as well as how this waiver process was used for reform in states of Arkansas, Massachusetts, Vermont, and South Carolina.
- The application to Kansas was reviewed in areas of coverage, benefits, funding, and health care market reforms.
- Next steps for Kansas Medicaid Reform were discussed.
- **ACTION:** Division/Authority staff will continue to monitor reforms in other states and additional information will be provided to the Board at a later date.

Update on Executive Search Subcommittee

- Ned Holland, Subcommittee Chair, reported that the Subcommittee had met on May 8, 2006, to review the position description for the Executive Director, to consider the two proposals for search firms which were recently received, and to proceed with posting the ED position on the state personnel website. Minutes of the May 8th meeting, a description of ED duties, and the two proposals were reviewed by the Board members (see handouts).

Executive Session

- **ACTION:** Motion was made, seconded and passed to recess for an executive session at 1:30 pm, for the Board and Counsel to discuss a personnel issue related to possible selection of the Executive Director's position.

The public meeting reconvened at 2:10 pm. Search Subcommittee Chair Ned Holland reported that no action had been taken by the Board during the Executive Session; and that the Subcommittee will continue its work with the search for Executive Director candidate.

Next Steps for the Board

- Dr. Day and Dr. Allison – Develop a grid (or GANT chart) on the legislative special studies request, to include expectations, timeline, staff assigned, and number of staff hours or resources needed.
- Dr. Day – Send the legislative language on the OIG position to Board members.
- Dr. Day and Counsel Elwood – review and determine recommendation for D & O liability issue.
- Arneatha Martin – Send information on the CHAPS survey to Board members.
- Legal Counsel – Revise draft conflict of interest policy and bring back to June 20th meeting.
- Dr. Allison – Develop format, expectations and agenda for July Town Hall Meetings.
- Dr. Day, Dr. Allison, Dr. Nielsen, and Counsel Elwood – meet to develop process for legislative input.

Public Comment

Dr. Ira Stamm, Topeka, Kansas, spoke to the Board on Kansans who are uninsured or uninsurable. He is concerned for those populations and would like the Board to be aware of those individuals when making health policy decisions. He also suggested that the new Executive Director should have in his/her background: knowledge and experience with commercial health insurance plans; being committed to the uninsured population, and being a creative thinker. Dr. Stamm also expressed an interest in the Executive Director's position and was asked forward his resume on to appropriate Division staff. He closed his comments by thanking the Board for their on-going commitment.

Adjournment

Meeting was adjourned. The next Authority Board meeting is June 20, 2006, 8:30 to 3:30.

5-26-06